



Seth L. Hudson PARTNER
*Admitted in NC and SC, USPTO Registered
shudson@worldpatents.com

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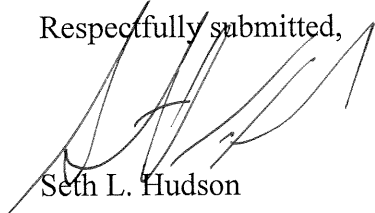
Hon. Andrew J. Peck
United States Magistrate Judge
Southern District of New York
US District Courthouse
500 Pearl Street
New York, New York 10007

Re: *James H. Fischer v. Stephen T. Forrest, et al.*
Docket No. 14cv1304 and Docket 14cv1307

Dear Judge Peck:

Per the revised Scheduling Order dated January 13, 2017, Defendants intend to file summary judgment motions in both the 1304 and 1307 cases. Since Plaintiff has objected to your Report and Recommendation, the undersigned respectfully requests the date to file the summary judgment motions be extended until after Judge Engelmayer rules, as there would be no need to address the counterfeiting and right of publicity causes of action if the Recommendation is adopted. Additionally, in his objections, Plaintiff alleges his claims go beyond counterfeiting and include trademark infringement. As set forth in Defendants' response to Plaintiff's objections, Plaintiff emailed the undersigned admitting he is only asserting counterfeiting claims. Additionally, the wording of the Complaints only allege counterfeiting, and therefore, discovery in this matter has been limited to counterfeiting. If Judge Engelmayer rules the claims go beyond counterfeiting, Defendants have requested leave to engage in discovery related to the much broader trademark infringement claim. For these reasons, Defendants believe extending the deadline to file the summary judgment motions until after Judge Engelmayer's rules makes the most sense.

Respectfully submitted,



Seth L. Hudson

cc: Daniel K. Cahn
Oscar Michelen